

REMARKS

Remarks About the Claims:

In the outstanding Office Action mailed February 1, 2005, the Examiner stated that claims 11, 13 and 19 would be allowed if rewritten in independent form. Applicants have rewritten claims 11, 13 and 19 as independent claims 6, 12 and 18 respectively. Applicants have cancelled rejected claims 23-25. Accordingly, all of the claims are now in condition for allowance and notice to that effect is earnestly solicited.

Remarks About the Filing Receipt:

On November 1, 2004, Applicant filed a Request for Correction of Filing Receipt, as set forth in the Image File Wrapper (Tab 1). In particular, Applicant noted that the Applicant data listing Gordon Kelling as the invention was incorrect – the Applicant(s) data should list only -- James O. Burke, Richmond, IL --. To date, Applicant has not received an updated or corrected Filing Receipt listing the correct Applicant(s) data. Applicant has resubmitted the Request for Correction of Filing Receipt herewith and again requests that the filing receipt be corrected as noted therein.

Remarks About the Information Disclosure Statement:

The Examiner has stated that references A54, A55 and A66 appear to be redundant. Applicant agrees that the entry for A54 appears to be redundant or cumulative relative to the entry for A59, and the entries for A55 and A66 appear to be redundant or cumulative to the entry for A58.

The Examiner has indicated that he was unable to locate copies of reference A67 in the prior applications relied on for an earlier filing date. Applicant has enclosed a copy of A67, together with another Form PTO-1449 listing that reference and request that the Examiner initial the Form to indicate his consideration of that

reference.

The Examiner has stated that reference A68 is not identified to the extent required by 37 CFR 1.98(b). Applicant respectfully disagrees. At the outset, Applicants note that the Capacitor Log has been considered in other cases, including for example USP 6,819,010. In addition, Applicant provided an explanation of the Capacitor Log in the Information Disclosure Statement mailed October 5, 2004. In particular, Applicants advised that:

The Capacitor Log reference [A68] lists various capacitors that were shipped to various users. At least some of the capacitors were thereafter installed in vehicles by personnel from Kold Ban Intl. Ltd., the Assignee of the present application. The users were not charged for the capacitors, but rather were provided the capacitors for experimental use in various vehicles. It is believed that at least some of the capacitors were installed in accordance with the instructions as set forth in reference [A59].¹

Finally, Applicant notes that the Capacitor Log does not fit any of the categories of a publication, U.S. patent or application, or foreign patent or publication. Rather, the Capacitor Log constitutes "other information," as referenced in 37 CFR 1.98. Applicant has provided all relevant information about reference A68 and respectfully requests that the Examiner indicate his consideration thereof on the enclosed Form PTO-1449.

Conclusion:

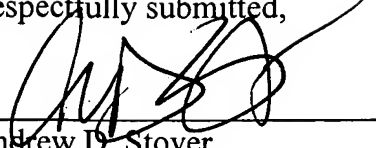
For all of the reasons set forth above, this case is now in condition for allowance, and notice to that effect is earnestly solicited. If for any reason this application is not considered to be in condition for allowance on the next Office Action and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 321-4200.

¹ Applicant made a typographical error in the Information Disclosure Statement by referencing "A68" instead of - A59-.

Respectfully submitted,

Dated: March 7, 2005

By:


Andrew D. Stover

Reg. No. 38,629

Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.

Post Office Box 10395

Chicago, Illinois 60610

(312) 321-4200